

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Waiver and Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Enterprise City Schools)	File Nos. SLD-517363, <i>et al.</i>
Enterprise, AL, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: March 12, 2012**Released: March 12, 2012**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent,¹ we deny four requests from petitioners² seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program).³ In each decision, USAC found that the applicant did not provide sufficient documentation to support their requested discount rate.⁴ Based on our review of the record, we find that USAC correctly determined the eligible discount calculation for each application and deny these requests.⁵ We also find that petitioners have not demonstrated good cause justifying a waiver of section 54.505 of the Commission's rules.⁶

¹ See *Request for Review of the Decision of the Universal Service Administrator by Academia Claret, Puerto Rico, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-401699, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10703 (Wireline Comp. Bur. 2006) (*Academia Claret Order*).

² The requests for waiver and review are listed in the appendix. See appendix.

³ Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

⁴ See *supra* note 1. See appendix.

⁵ 47 C.F.R. § 54.505.

⁶ Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), the requests for review or requests for waiver filed by the petitioners listed in the appendix ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Enterprise City Schools Enterprise, AL	517363	2006	Nov. 20, 2007
Espiritu Community Development Corp. Phoenix, AZ	601233	2008	Mar. 17, 2009
Gallup-McKinley County School District Gallup, NM	743846	2010	Jul. 19, 2007
Plum Creek Library System Worthington, MN	550734	2007	May 15, 2009